The Royal Supremacy

By

T. W. Allies

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THE ROYAL SUPREMACY

VIEWED IN REFERENCE TO THE TWO SPIRITUAL POWERS OF ORDER AND JURISDICTION.

BY T. W. ALLIES, M.A.

RECTOR OF LAUNTON, OXON.

"When was such a thing heard of before from the beginning of the world? When did a judgment of the Church receive its validity from the Emperor? or rather when was his decree ever recognized by the Church? There have been many Councils held heretofore, and many judgments passed by the Church, but the Fathers never sought the consent of the Emperor thereto: nor did the Emperor busy himself with the affairs of the Church."—

S. Athanasius, tom. i. p. 376.

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N. B. I have often in these pages had occasion to use the words of others; but the particular specification of every such use would too much interrupt the text of a pamphlet. I content myself therefore with this general acknowledgment.

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THE ROYAL SUPREMACY,

ETC.

THE Royal Supremacy in causes ecclesiastical has by the case of Gorham v. the Bishop of Exeter been brought before the minds of all churchmen as an object of engrossing interest. And this is true in two points of view. Whether we regard the power claimed by the crown to judge as a final court of appeal, in causes most purely spiritual, or whether we look at the decision itself recently given, the Royal Supremacy may be said to be now affecting the spiritual condition before God of every member of the Anglican Church. This being the case—that is, the Catholicity of a whole Communion, and by consequence, the salvation of the souls belonging to it, being at issue, — I feel it impossible to deal with the subject in a controversial spirit. I must not advocate a cause, but simply state the truth. I must not turn away my eyes from certain parts of the subject, because they are disagreeable, nay, in the highest degree oppressive to my convictions and feelings as a Christian. All that I have to deal with is *the truth*, the actual state of things, and the poet's praise is the highest here, "nothing extenuate, set down nought in malice" — for to make things appear better than they are, because the reality is very trying, very

agitating to tender or to doubtful minds, because one would wish things otherwise, because as a question of common Christian right, of English liberty, they ought to be otherwise,—this is, I think, in a matter of such moment, playing with souls.

And I would not wish to repeat what others have said. There have already appeared in exposition of the Royal Supremacy two pamphlets, with which I presuppose the acquaintance of those interested in this matter. One, published in the year 1847, by Mr. Lewis, which has only just fallen into my hands, and of which I cannot but acknowledge the great force, as well as the general moderation of tone, and the fairness, considering the author's position. The other is Mr. Maskell's first letter, just published. These writers, from different points of view, one a Roman Catholic, the other, amongst our own most learned and able authors, agree in nearly the same estimate of the Royal Supremacy; viz. that at the Reformation the Spiritual Primacy of the Roman see was transferred by act of Parliament to the Sovereign of these realms, and that the Church of England partly, at least, enacted, and wholly submitted to the change.

On the other hand Mr. Irons has put forth a pamphlet deprecating this view of things, and endeavouring to prove, that the Royal Supremacy existed in substance before the Reformation as much as after it, nay, that the Reformation itself had a tendency to diminish it, and that writers since the Reformation of authority in the Church of England have explained

and limited it, so as to be, if not innocent and Catholic, at least not the reverse.

Comparing together the acts of parliament, the articles and canons of the Church, the other less authoritative documents, and the facts enumerated by Mr. Lewis and Mr. Maskell, with the counter authorities produced by Mr. Irons, especially on the third point, viz. the interpretation of the Royal Supremacy, as at present existing, I am forced into the conclusion that the case of the former is exceedingly strong, and that of the latter exceedingly weak. To meet a tremendous array of *laws* on the part of the spiritual, and on the part of the temporal power, proving the case of the transfer of the Supremacy from the Pope to the Sovereign, Mr. Irons alleges a quotation or two from Hooker, one from Usher, one from James I., one from Andrewes, one from Stillingfleet, one from Sanderson, and one from Wilson. These quotations, instead of being precise, and distinct, as the legal authorities on the other side, are extremely confused and indeterminate, and after reading them I was at a loss to know what their writers exactly believed the Royal Supremacy to be. But see Appendix, No. 2.

But on the other side, nothing can be plainer than the meaning of the acts of Parliament; nor are the articles and canons ambiguous, when it is considered that they *follow* these acts of Parliament in time, and and have reference to them in their subject matter.

For instance, the 37th Article says "The Queen's Majesty hath the chief power in this realm of Eng-

land, and other her dominions, unto whom the chief government of all estates of this realm, whether they be ecclesiastical or civil, in all causes doth appertain; and is not, nor ought to be, subject to any foreign jurisdiction.

"Where we attribute to the Queen's Majesty the chief government, by which titles we understand the minds of some slanderous folks to be offended, we give not to our Princes the ministering either of God's Word or of the Sacraments, the which thing the injunctions also lately set forth by Elizabeth our Queen do most plainly testify; but that only prerogative which we see to have been given always to all godly princes in Holy Scriptures by God himself; that is, that they should rule all states and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil-doers. The Bishop of Rome hath no jurisdiction in this Realm of England."

Now, supposing that question may arise as to the nature and extent of this "chief government" here asserted, so far as the article itself goes, yet it refers to two other documents in explanation of its own meaning, viz. to the Injunctions of Queen Elizabeth, and, in them, to a certain oath imposed by a certain act of Parliament.

Let us see whether these two authorities leave us in any doubt as to the meaning of the article.

The injunctions run thus: *

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* Gibson, i. 54.

"The Queen's Majesty being informed that in certain places of the realm sundry of her native subjects, being called to ecclesiastical ministry of the Church, be by sinister persuasion and perverse construction induced to find some scruple in the form of an oath which by an Act of the last Parliament is prescribed to be required of divers persons for the recognition of their allegiance to her Majesty, which certainly never was meant, nor by any equity of words or good sense can be thereof gathered; would that all her loving subjects should understand that nothing was, is, or shall be meant or intended by the same oath to have any other duty, allegiance, or bond required by the same oath, *than was acknowledged to be due to the most noble kings of famous memory, King Henry the Eighth, her Majestie's father, or King Edward the Sixth, her Majestie's brother.*

"And further, her Majesty forbiddeth all manner her subjects to give ear or credit to such perverse and malicious persons, which most sinisterly and maliciously labour to notifie to her loving subjects, how by words of the said oath it may be collected, *that the Kings or Queens of this realm, possessors of the crown, may challenge authority and power of ministry of divine service in the Church,* wherein her said subjects be much abused by such evil-disposed persons. For certainly her Majesty neither doth nor ever will challenge any authority *than that was challenged and lately used by the said noble Kings, of famous memory, King Henry the Eighth and*

King Edward the Sixth, which is and was of ancient time due to the Imperial Crown of this realm; that is, under God, to have the sovereignty and rule over all manner of persons born within these her realms, dominions, and countries, of what estate, either ecclesiastical or temporal, so ever they be, so as no other foreign power shall or ought to have any superiority over them. And if any person that hath conceived any other sense of the form of the said oath shall accept the same oath with this interpretation, sense, or meaning, her Majesty is well pleased to accept every such in that behalf as her good and obedient subjects, and shall acquit them of all manner of penalties contained in the said Act against such as shall peremptorily or obstinately take the same oath."

The oath here mentioned to be taken by all ecclesiastical persons and temporal officers runs as follows in the Act 1 Eliz. c. 1, which imposes it, sect. 19:—

"I do utterly testify and declare in my conscience that the Queen's Highness is the only supreme Governor of this realm, and of all other her Highness's dominions and countries, as well in all Spiritual or Ecclesiastical things or causes as Temporal; and that no foreign Prince, Person, Prelate, State, or Potentate hath, or ought to have, any Jurisdiction, Power, Superiority, Preheminence, or Authority, Ecclesiastical or Spiritual, within this realm, and therefore I do utterly renounce and forsake all foreign Jurisdictions, Powers, Superiorities, and Authorities, and do promise that from henceforth I shall bear

faith and true allegiance unto the Queen's Highness, her heirs and lawful successors, *and to my power shall assist and defend all Jurisdictions, Privileges, Preheminences, and Authorities granted or belonging unto the Queen's Highness, her heirs and successors, or united and annexed to the imperial crown of this realm.*"

This same Act, in sect. 17, runs thus:—

"And that also it may likewise please your Highness that it may be established and enacted by the authority aforesaid, that *such Jurisdictions, Privileges, Superiorities, and Preheminences, Spiritual and Ecclesiastical, as by any spiritual or ecclesiastical power or authority hath heretofore been or may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever, by authority of this present Parliament, be united and annexed to the imperial crown of this realm.*"

Bishop Gibson, from whose Codex I quote this Act, puts beside of this section, as its summary, "Such spiritual jurisdiction, as hath heretofore been exercised, shall be for ever annexed to the crown." And his heading of the page is, "Supreme Head of the Church of England, Papal and Regal."

I should think that no man living, of competent knowledge and fairness of mind, looking at these three documents; first, the article referring to certain injunctions, then the injunctions referring to

and interpreting an oath, which oath is contained in an Act of Parliament enacting further provisions in elucidation of it, which the oath records and embraces, and bearing in mind that the article was accepted and enacted by the Church *after* the injunctions and the Act of Parliament, would fail to draw the conclusion, that both article and injunctions, and Act of Parliament, concurred, in annexing to the Crown whatever spiritual jurisdiction had before been possessed by the Pope.

And I think it is equally clear, from the words of the article, and of Queen Elizabeth's injunctions, that the authority and preeminence thus annexed to the crown belonged to the power of Jurisdiction, and not to the power of Order. "Her Majesty forbiddeth to give ear or credit, that the kings or queens of this realm, possessors of the crown, may challenge authority and power of ministry of divine service in the church."

The change, therefore, did not touch anything which belonged to the mere power of Order.

Nevertheless the Supremacy thus transferred from the Pope to the Sovereign was the full Papal Supremacy; for that in which the Pope differs from any other priest or any other bishop is not a power of Order, but a power of Jurisdiction.

This is stated very lucidly by one of the greatest Roman theologians thus, "The pontifical power is, as it were, the primal example of all spiritual power of jurisdiction, for no one will deny that that is a

true spiritual power of active jurisdiction, nay, in that order the highest which can exist in mere men. Now that power is not given to the Pontiff by any consecration, but by election, and the bare grant of God; for when He said to Peter, Feed my sheep, He impressed on him no new consecration or character, but gave him a mere power of jurisdiction. So too the Pope, when rightly elected, is immediately true Pope as to such power, and as to that receives no consecration; nay, if not already a bishop or a priest, he must be afterwards consecrated or even ordained, and nevertheless *in the mean time he can exercise all acts of mere external jurisdiction.* Therefore, in the same manner the proper power of jurisdiction is granted to other bishops by election, or simple concession, not by consecration, for the principle is the same, not only because the episcopal power is but a certain participation of the papal power, but likewise because, as in the appointment of the Pope to apply to him matter (for the exercise of his jurisdiction) is nothing else but to make the whole Church subject to him, and to make it subject to him is nothing else but to give to him a true and new power over it; so, when a see is given to one only consecrated bishop before, matter (for jurisdiction) is applied to him no otherwise than that certain persons become his subjects which before they were not; nor do they become his subjects save by giving him a new power as a superior altogether distinct from the power of Order or from consecration. Lastly, be-

cause, *like as acts of pontifical jurisdiction, as such, are not acts of Order or of consecration, nor flow from it, so neither are acts of episcopal jurisdiction;* and a like argument may be drawn from the jurisdiction of the apostles, as will be clear to any one who considers it."—Suarez, de Legibus, Lib. 4, c. 4.

I consider, therefore, that the whole subject of the Royal Supremacy, of its nature, of its limits, its bearing on the spiritual condition of the Church subject to it, and on the administration of certain sacramental acts of the highest importance as well to the external government of such a church as to the salvation of individual souls, cannot be understood without a previous understanding of the distinction between the power of Order and the power of Jurisdiction, and of the acts severally belonging to them, which I will therefore endeavour briefly to call to remembrance.

Spiritual power is manifold, yet it is usual to divide it into the power of Order and the power of Jurisdiction.

A. The power of Order may be briefly defined as a certain moral faculty directed to the religious worship of God, either by the celebration of the Holy Eucharist, or by the administration or dispensation of the sacraments instituted for the sanctification of the faithful, or by any other ceremonies which may fitly accompany the holy sacrifice, or the sacraments.

Or it may be set forth thus a little more at length. In the mystical Body of Christ spiritual grace is

conferred under the sacrament of visible things. And, as every action should bear a proportion to the agent, the dispensing of such sacraments should take place by visible men possessing a spiritual power. For the institution and virtue of sacraments derive their source from Christ, of whom the Apostle said, "Christ loved the Church, and gave Himself for it, that He might sanctify and cleanse it by the washing of water by the word." So, too, in the last Supper, Christ gave the Sacrament of his Body and Blood, and instituted it to be repeated; and these are the chief sacraments: as, then, Christ was about to withdraw His corporal presence from the Church, it was necessary to make others His ministers, to dispense the sacraments to the faithful, as the Apostle says, "Let a man so account of us, as ministers of Christ, and stewards of the mysteries of God." Thence it was that He committed to His disciples the consecration of His Body and Blood, saying, "Do this in remembrance of me." He gives to them likewise a power of remitting sins, according to John xx. 23, "Whose sins ye remit, they are remitted." Also He laid upon them the charge of teaching and baptizing, saying, Matt. xxviii. 19, "Go ye, and teach all nations, baptizing them." Now the minister stands in such a relation to his Lord as the instrument to the chief agent. For just as the instrument is moved by the agent to effectuate anything, so is the minister moved by his Lord's command to execute. And the instrument should bear a proportion to the agent: whence the ministers

of Christ too must be conformed to Him. Now Christ, as the Lord, wrought our salvation by His proper authority and virtue, in that He was God and Man: in that He was Man suffering for our redemption; in that He was God, His passion being salutary to us. So then must the ministers of Christ be men, and partake somewhat of His Divinity according to a certain spiritual power: Since the instrument participates in somewhat of the virtue of the principal agent. Of this power it is that the Apostle says, "the power which God hath given me to edification and not to destruction."

Nor can we say that such a power was so given to Christ's disciples, as not to be derived through them unto others: for it was given to them for the edification of the Church, as the Apostle has just said. Therefore this power should be perpetuated, so long as the Church must be edified. And this must continue after the death of Christ's disciples unto the end of the world. Spiritual power therefore was given to Christ's disciples, to devolve through them on others: so that the Lord addressed His disciples as representing the rest of the faithful when He said, Mark xiii. 37, "What I say unto you, I say unto all;" and again, to his Apostles He said, "Lo, I am with you alway unto the end of the world."

In as much then as this spiritual power is derived from Christ into the ministers of the Church, and spiritual effects derived into us from Christ are set forth under certain sensible signs, it was fitting that

this spiritual power *should be delivered to men* under certain sensible signs. Such are certain forms of words, certain determinate acts, such as the imposition of hands, the giving of a book, &c. which belongs to the execution of spiritual power. But whenever any spiritual thing is given under a bodily sign, this may be called a sacrament. Now it is plain that in the bestowal of spiritual power a certain sacrament takes place, which is called the sacrament of Order. And it beseems God's bounteousness when He confers on any one power to work any effect, to confer likewise such things without which the effect cannot suitably be wrought. Now the administration of sacraments, which is the end of spiritual power, is not suitably wrought unless the ministrant is helped thereto by divine grace; and so in this sacrament, as in the rest, grace is conferred.

Now as the end of the power of Order is the dispensation of sacraments, and of these the noblest and most perfect is the sacrament of the Eucharist, the power of Order should be considered chiefly in reference to this sacrament, every thing being named from its end. Moreover it seems to belong to the same excellence to give a certain perfection, and to prepare the material to receive it, just as fire has power to transfuse its own form into something else, and to dispose the material to receive that form. The power of Order, then, reaching to this, to make the sacrament of the Body of Christ, and to deliver it to the faithful, that power should reach likewise to

rendering the faithful apt and fitting to the perception of this sacrament. And a Christian is rendered thus apt and fitting, in that he is free from sin: for otherwise he cannot be spiritually united to Christ, to whom he is joined sacramentally, in receiving this sacrament. So, then, the power of Order must reach to remission of sins by the dispensation of those sacraments whose end is the remission of sin; and these are baptism, and repentance. Thence it was that the Lord gave also the power of remitting sins to the apostles, to whom he committed the consecration of His Body. Now this power is understood by the keys, of which the Lord said to Peter, "I will give to thee the keys of the kingdom of heaven." For the heaven is opened or shut to any one in that he is subject to, or cleansed from, sin: and so the use of these keys is said to be to bind and loose, that is, from sins.

It would seem, then, that as all grace and pardon in the mystical Body flow from its Head, it is *in essence* the same power by which a Priest can consecrate, and bind and loose, if he has jurisdiction; nor does it differ, save in the mode of its application to different effects. And this double power makes up the *character* of Order, which is indelible.

Now I conceive that the Royal Supremacy did not assume to itself any thing that belongs *strictly* to the power of Order, and this is the value of Queen Elizabeth's disclaimer in her injunctions, and of those in the thirty-seventh article, there called the ministering

of God's word, and of the sacraments. And so again of Bishop Andrewes, quoted by Mr. Irons, " Neque vero id agit rex, ne patitur quidem, ut sibi potestas sit, vel incensum adolendi cum Ozia, vel arcam attrectandi cum Oza, quod vos toties tam odiosè inculcatis, vestrum illud, (quod ad Primatum Pontificium proprie pertinere dicitis,) *docendi* munus, vel dubia legis *explicandi*, non assumit: non vel conciones habendi, vel rei sacræ præeundi, vel sacramenta celebrandi; non vel personas sacrandi, vel res; non vel clavium jus, vel censuræ. Verbo dicam: nihil ille sibi, nihil nos illi fas putamus attingere, quæ ad sacerdotale munus spectant, *seu potestatem ordinis consequuntur*." I said above, which belongs *strictly* to the power of Order, for as the power of the keys cannot be exercised without jurisdiction, we shall see presently what effect the assumption of supreme jurisdiction by the civil authority has on that power.

B. The second spiritual power above mentioned, that of Jurisdiction, is usually divided into interior and exterior: so called, not because both are not exercised by sensible and outward acts, for both having to deal with men in respect of other men must necessarily be exercised by external acts. But they are so called because one has reference to the sacramental forum, which belongs only to the conscience, and the inward good of souls, and therefore is named *interior jurisdiction*. Now of this I will speak further presently.

I. But the other power has reference to the govern-

ment of the Church in the external forum, by means of judgments, penalties, and whatever else is necessary for the right constitution and government of a human commonwealth. And this is called the power of *exterior jurisdiction*. To this belongs the directive power of enacting laws obligatory on the conscience, which exists in the Church: and to this likewise coercive power, and therefore it is also called the power of the contentious forum.

Its principle is, that every well ordered commonwealth needs a power of jurisdiction, as well directive as coercive, in order that it be suitably governed; and that is clear of itself, even by the light of nature; but Christ set up His Church as one Body politic, to be ruled and governed by men, as is plain from the Gospel, and the Church's own tradition: and from the Creed, "I believe in One Holy, Catholic, Apostolic Church."

There is, then, in this Church a peculiar power for ruling and governing it. This may be proved, first, *by Scripture*. As in our Lord's words to S. Peter, "I give to thee the keys of the kingdom of heaven;" and John 21, "Feed my sheep;" and again to the Apostles, "He who heareth you, heareth me, and he who despiseth you, despiseth me:" and again, "Receive ye the Holy Ghost. As my Father hath sent me, even so send I you." Now Christ was sent not only as a teacher, but as a legislator and a governor, as the Psalm prophesied of Him, "I will give to Thee the heathen for thine inheritance, thou

shalt rule them with a rod of iron." Therefore He sent His Apostles likewise with a sufficient participation of that power. For the reign and rule of Christ in the Church militant were not to terminate with His mortal life, or with His visible and corporal presence on earth, but to last for ever, as was foretold, "The Lord shall give unto Him the throne of His father David, and He shall reign for ever." Therefore it was necessary that He should leave on earth a power holding His place, by which this spiritual regimen might continue.

Secondly, this power is proved *by its use*. For the first act of this power which is read of in Scripture seems to have been the Apostolic decree in Acts xv., "It seemed good to the Holy Ghost, and to us, to lay on you no further burden than these necessary things: to abstain," &c. For here two human canonical precepts are contained: one imposing this burden as necessary; the other declarative, that from that time nothing else of the ceremonial law of Moses should be observed as necessary. And presently it is said of Paul and Timothy, that "they delivered them the decrees for to keep, that were ordained of the apostles and elders." St. Paul, in his Epistles, often mentions this power, as when he says, "The power which the Lord gave him to edification, and not to destruction;" and so again, "Will ye that I come to you with a rod?" For a rod signifies the power of government, which, in that it is directive, is called "a sceptre of right," Psalm xlv.; and in

that it is corrective, is called "a rod of iron," Psalm ii. Thus St. Augustine explains it, saying in the former place, "'A sceptre of right,' which ruleth men. Approach that sceptre; let Christ be your King: let him rule you with that sceptre, lest He crush you. For that is an inflexible rod." And in the latter, "A rod of iron is inflexible justice." "Some he rules, others he crushes: the spiritual he ruleth, the carnal he crusheth." Such, then, was the rod of St. Paul, of which a share was given him by Christ; and he uses that rod of iron where he says, "I, as absent in body, but present in spirit, have judged already . . with the power of our Lord Jesus Christ . . to deliver such an one to Satan." But of the "sceptre of right" St. Paul speaks in Acts xx.: "Take heed . . to all the flock, over the which the Holy Ghost hath made you bishops, to feed the church of God." And to the faithful he says, "Obey them that have the rule over you, and be subject unto them." And again he says, "Against an elder receive not an accusation, but before two or three witnesses," where he supposes in the Church a proper judgment and tribunal.

And, thirdly, that power which is shown thus in Scripture as begun, is continued on *in History* through all ages of the Church in diocesan, archiepiscopal, and primatial governments, in provincial and general councils, and borne witness to everywhere by the Church's rulers and writers.

And the principle of all this is manifest, that the

Church is one mystical body of Christ, one divinely constituted kingdom. Now, a kingdom cannot be maintained without a power to rule it, in proportion to it. Thus, as one out of a multitude, St. Epiphanius says (tom. i. p. 118), "For the throne of David, and the royal seat, is the priesthood in the holy Church, which dignity, *both royal and high-priestly*, the Lord having joined together in one, hath bestowed it on His holy Church, translating unto it the throne of David, which faileth not for ever."

This power is spiritual and supernatural, requiring indeed, and presupposing orders, but not given in them indelibly as their character, for it is capable of increase or diminution in individuals, and exists in different degrees in those who have the same rank of orders. It can also be taken away, and given again, which is not the case with any power given by consecration.

Now, from all that has been said, it is plain that this spiritual power of government is quite distinct from the temporal. And that, first, and chiefly, in its *end;* for the end of the temporal power is to preserve the peace and honour of the commonwealth, as St. Paul says, bidding us pray for kings, "that we may lead a quiet and peaceable life, in all godliness and honesty." Whereas the end of the ecclesiastical power is the attainment of eternal salvation, as St. Paul says, "for the perfecting of the saints," and, "Obey them that have the rule over you; for they watch for your souls as they that must give account."

Another difference is in its *origin*, inasmuch as the temporal power derives its origin from God as the author of nature, through the medium of natural reason, and so, considered in itself, is of natural right; but in so far as it is seated in a King or in a Parliament, it is of human right. Whereas the ecclesiastical power is of positive Divine right, and the special promise and grant of Christ. "I will give to thee the keys." "Feed my sheep." "As my Father hath sent me, even so send I you." For as the end to which this power is directed, and the acts and means by which it subsists, are above natural and human strength, so must the power itself have its origin above human or natural right. In fact, these powers differ, as the material and spiritual, the natural and supernatural, the earthly and heavenly.

Once more; not only in their *end* and *origin* do they differ, but in their *subjects*; the one being, kings and other rulers of the temporal State; the others the rulers in God's Church, according to the gradations of the ecclesiastical hierarchy. This may be proved by the authority of Scripture. For this spiritual power, derived from the direct and special grant of Christ, is *not* found, in the New Testament, given to those persons who were temporal kings; and *is* given to Peter, and the rest of the Apostles; *is* found to be used by St. Paul, and other bishops. For before there were in the Church temporal kings, there were therein pastors with true spiritual juris-

diction to rule the Church; therefore this power does not of itself depend on the Royal power, nor is joined with it by any power of it.

The Emperors, on the one hand, in the primitive Church, and the Fathers and rulers of it, on the other, were perfectly familiar with the existence of this right of spiritual jurisdiction: the former admitted it, and the latter enlarged on it, and set it forth. The Emperor Constantine convoked, we are told, the Nicene Council; and no doubt he did so, at the instance, probably, and certainly with the consent, of the Bishops of Rome and Alexandria; at any rate, he said to the bishops there assembled, as Ruffinus (lib. i. Hist.) has recorded for us, "Deus vos constituit sacerdotes, et nobis a Deo dati estis Judices, et conveniens non est ut homo judicet Deos, sed ille solum de quo scriptum est, Deus stetit in synagoga Deorum: in medio autem Deus dijudicat." The Emperor Theodosius summoned the third Ecumenical Council: be it so; in conjunction again with the ecclesiastical power; and he sent a Royal Commissioner to attend the Council, "servandi ordinis cura:" and he writes to the Council thus: "Igitur Candidianum præclarissimum sacrorum domesticorum comitem ad sacram vestram synodum abire jussimus: sed ea lege et conditione ut cum quæstionibus et controversiis quæ circa fidei dogmata incidunt nihil quidquam commune habeat: nefas est enim qui sanctissimorum episcoporum catalogo adscriptus non est, illum ecclesiasticis negotiis et consultationibus

sese immiscere." Mansi. tom. iv. p. 1119. Again, the bishops of the Hellespont and Bithynia asked the Emperor Valentinian to let them assemble "for correction of doctrine." The Emperor replied, "I, as a layman, have no right to interpose in such matters. But let the bishops, who are charged with them, meet by themselves where they choose." Sozomen. lib. vi. c. 7. And of the same Emperor the same historian writes, lib. vi. c. 21: "In the West reigned Valentinian, who supported the doctrine of the Nicene Council, and was very piously disposed towards God; so that he laid no command on the bishops, and would not meddle either for what seemed to him good or bad in the Church's laws. For he considered these things superior to his own judgment, though he was a most excellent prince, and showed it by his government." To the bishops assembled at Milan, for the election of a bishop there, who was afterwards St. Ambrose, the same Emperor said, "Put there such an one in the Pontifical seat as that we too, who govern the empire, may sincerely bow our head to him, and for our transgressions as man receive, as we are bound, his advice, as the remedy of a physician." Hist. Trip. lib. vii. c. 8. The great Emperor Justinian, who carried, certainly, high enough his notions of imperial power, and his practice of imperial interference, yet says, "Maxima quidem in omnibus sunt dona Dei a superna collata clementia, sacerdotium et imperium: illud quidem divinis ministrans, hoc autem humanis præsidens, aut

diligentiam exhibens, ex uno eodemque principio utraque procedentia, humanam exornant vitam." Lastly, among the acts of the Eighth General Council, there is a speech of the Emperor Basil, in which, addressing the laity, he says, "De vobis quid amplius dicam non habeo, quam quod nullo modo vobis licet de ecclesiasticis causis sermonem habere. Hæc enim investigare et quærere, patriarcharum, pontificum, et sacerdotum est, qui regiminis officium sortiti sunt, qui sanctificandi, ligandi, atque solvendi potestatem habent, qui ecclesiasticas et cœlestes adepti sunt claves, *non nostrum, qui pasci debemus.*"

What is thus conceded by the highest temporal power, is assumed as incontestable by the spiritual itself. S. Athanasius has recorded for us a letter of the aged Hosius, President of the Councils of Nicæa and Sardica, to the Emperor Constantius, in which he says, "Cease, I beseech thee, and remember that thou art a mortal man. Fear the day of Judgment: keep thyself innocent unto that. Mix not thyself in ecclesiastical matters, nor give us thy orders respecting these: but rather learn thou these from us. Into thy hands God hath put the empire; to us has he entrusted the affairs of the Church. And as he who stealeth away thy power contradicts the ordinance of God, so fear thou, lest drawing to thyself matters of the Church, thou become involved in a great crime. It is written, "Render to Cæsar the things of Cæsar, and to God the things of God." Tom. 1. 371. Presently in his own person S. Athanasius says, "If a

judgment had been passed by bishops, what concern had the emperor with it? or if it was only a threat of the emperor, what need in that case was there of the so-named bishops? When was such a thing heard of before from the beginning of the world? *When did a judgment of the Church receive its validity from the emperor?* or, rather, when was his decree ever recognised by the Church? There have been many councils held heretofore, and many judgments passed by the Church, but the Fathers never sought the consent of the emperor thereto; nor did the emperor busy himself with the affairs of the Church. The Apostle Paul had friends among them of Cæsar's household, and in his Epistle to the Philippians he sent salutations from them: but he never took them as his associates in ecclesiastical judgments. Now, however, we have witnessed a novel sight, which is a discovery of the Arian heresy. Heretics have assembled together with the Emperor Constantius, in order that he, alleging the authority of the Bishops, may exercise his power against whomsoever he pleases, and while he persecutes may avoid the name of persecutor; and that they, supported by the emperor's government, may conspire the ruin of whomsoever they will; and these are all such as are not as impious as themselves. One might look upon their proceedings as a comedy which they are performing on the stage, in which the pretended bishops are actors, and Constantius the performer of their behests, who makes promises to them, as Herod did

to the daughter of Herodias, and they, dancing before him, accomplish through false accusations, the banishment and death of the true believers in the Lord." Tom. 1. 376.—Oxf. Tr. p. 266. St. Ambrose, describing the attempts made to induce him to admit the Arians to communion, says, "Command is sent to me, Give up the church. I answer, it is neither lawful for me to give it up, nor is it expedient for thee, O Emperor, to take it. Thou canst not with any right violate a private man's house; thinkest thou that thou canst take away the house of God. I am told that to the emperor all things are lawful; that every thing belongs to him. I answer, Trouble not thyself, O Emperor, to think that thou hast any imperial right over the things which are divine. Set not thyself up, but if thou wouldest reign long, be subject unto God. It is written, 'To God the things of God, to Cæsar the things of Cæsar.' To the emperor belong his palaces; to the bishop, the churches. Right over the public walls is committed to thee, not over those which are sacred." Tom. 2. 857. Epis. 20. St. Gregory of Nazianzum, preaching before the Prefect of his province, thus addresses him. "But what of you, Princes and Rulers, for to you I now address myself, that I may not seem quite unfair, and while I advise others of their duty, yield to your power, as through shame or fear declining the liberty which I have in Christ. What then say you, and how do we agree? will you bear my freedom of speech? The law of Christ subjects you too

to my rule and to my tribunal. For I also have a government, nay, a greater and more perfect one, or must the spirit yield to the flesh, and the heavenly to the earthly? I know that thou wilt receive my freedom, being a sheep of my flock, a sacred sheep of a sacred flock."—Tom. 1, p. 322. Orat. 17. S. John Damascene says, "We will not endure to obey an imperial decree which endeavours to overthrow the customs of the Fathers. It belongs not to religious princes to overthrow ecclesiastical laws.—Such things belong to councils, not to kings, as the Lord said, 'Where two or three shall be gathered together in my name, there am I in the midst of them.' Not to kings has Christ given the power to bind and to loose, but to apostles, and to their successors, and to pastors and teachers."—Tom. 1. 329. And again, 'It belongs not to kings to legislate for the Church. What says the divine Apostle? And "God hath set some in the Church, first apostles, secondarily prophets, thirdly pastors and teachers, for the perfecting of the church.' He said not, kings.—It was not kings who spake to us the word, but apostles and prophets, pastors and teachers. 'Render unto all their due,' cries the Apostle Paul, 'honour to whom honour, fear to whom fear, tribute to whom tribute.' To kings belongs political administration; to pastors and teachers the rule of the Church. This is an inroad of banditti, brethren. Saul rent the robe of Samuel, and what became of him? God rent the kingdom from him, and gave it

to meekest David. The Lord said, 'Render to Cæsar the things of Cæsar, and to God the things of God.' We yield to thee, O Emperor, in the matters of this life, in tributes, taxes, presents, wherein thou art charged to administer our affairs: but in the constitution of the Church we have pastors who have spoken to us the word, and have laid down the type of ecclesiastical legislation. We take not away the ancient boundaries which our fathers set, but we hold the traditions as we have received them. For if we begin to pull about, even in little things, the fabric of the Church, very soon the whole will be broken up." —Tom. 1. 338. In the year 493, Pope Gelasius thus wrote to the Emperor Anastasius. "There are two things, august Emperor, by which in chief this world is ruled, the sacred authority of pontiffs, and the power of kings. Of which the weight borne by the pontiffs is so much the heavier, in that they must render to the Lord in the Divine Judgment, account for the kings themselves. For thou knowest, most gracious Son, that, pre-eminent as thou art above the human race in dignity, thou dost yet devotedly bow the neck unto those who preside over divine things, and from them thou seekest instruction in the way of salvation, and acknowledgest that thou oughtest rather in the order of religion to be subject to them than to rule them, as to the taking of the heavenly sacraments, and the fit disposing of these. Thou knowest then, that on such subjects thou shouldest wish to depend on their judgment, not to bend them to thy will. For,

if as regards the order of public administration, recognizing the empire bestowed on thee by disposition from above, the very prelates of religion obey thy laws, lest even in earthly matters they should seem to oppose a sentence not observed, with what affection, I ask, oughtest thou to obey them who are set in charge of the venerable mysteries?"—Mansi, Tom. 8. p. 31. To the same emperor, shortly after, Pope Symmachus says, "Let us compare the rank of the Emperor with that of the Pontiff, between which there is this difference, that the former has the care of human things, and the latter of divine. From the Pontiff, as Emperor, thou askest baptism, takest sacraments, beggest prayer, hopest a blessing, *solicitest admission to penance.* In sum, thou dost administer human things; he to thee dispenses divine. The honour is, I will not say superior, but at least equal. Perhaps thou wilt say that it is written, that we should be subject to every power. We do indeed accept human powers in their place, until they set up their wills against God. But if all power is from God, rather therefore that which is given to divine things. Defer unto God in us, and we will defer unto God in thee. But if thou deferrest not to God, thou canst not use His privilege, whose rights thou despisest."—Mansi, Tom. 8. 215. Lastly, Pope Nicholas I. at the very commencement of the middle ages, before the time of our own Alfred, is only summing up the unanimous and undeviating testimony of the eight centuries before him when he writes thus to the Emperor Michael.

"Do not usurp the things of the Church: do not wish to steal away what is committed to her sole trust: knowing that every administrator of earthly things should be as far removed from sacred things, as every one in the robe of the clergy, and of God's combatants, should be involved in no secular business. In fine, we are utterly ignorant how they, who are allowed to rule only human and not divine things, presume to judge of those who have the divine ministry. Such things were before Christ's coming, that certain should be typically kings at once and priests, such as the sacred history tells us holy Melchisedèc to have been; and this the devil imitated in his own members, being one who ever strives to arrogate to himself in a spirit of tyranny what belongs to divine worship, so that Pagan emperors were at the same time high priests. But when the True One was come, at once King and Pontiff, no longer did emperor claim to himself the rights of the priesthood, nor pontiff usurp the name of emperor. Since the same mediator of God and man, the man Christ Jesus, in such wise distinguished the offices of both these powers by their proper acts and their separate dignities, willing us to be raised on high by His own humility, which was for our healing, not to be sunk again down to hell by human pride, that Christian emperors should need pontiffs for the attainment of eternal life, and pontiffs for the course of merely temporal things, should have the commodity of imperial laws: and so spiritual

action should be at rest from inroads of the flesh."—Mansi, Tom. 15. 214.

Such is then the right of spiritual jurisdiction belonging to the rulers of the Church, by the positive grant of Christ, with which they were invested in different degrees according to their hierarchical rank, and of which the highest and most complete example, to say the least, was seen in the see of St. Peter, through an uninterrupted succession of fifteen centuries down to the time of Henry VIII. That see, as the source and centre of ecclesiastical jurisdiction, then received appeals from the whole Church: and by a necessary consequence it was the Supreme Judge of doctrine: for it is impossible in practice to dissever supremacy of jurisdiction from carrying with it the supreme judgment of doctrine. Did then Henry VIII., Edward VI., and Elizabeth deny this power of spiritual jurisdiction to exist in the Church? by no means. Did they think it undesirable, and therefore to be abandoned by the Church? as little. They so fully admitted it, and so entirely liked it, that they seized upon it, and annexed it to the imperial crown of their realm. That which in end, in origin, and in subjects, was entirely distinct from the civil power, that which sprung from the gift of Christ to St. Peter, and the apostolic body, they appropriated as an engine of temporal government. They would have their crown supreme not only in temporal matters, as it had always been, but in spiritual also: have both the human and the divine

power flow forth from their own persons.—And what was the result?—that within ninety years after this *new thing* had been finally settled by Elizabeth, and the power of Christ attributed to an earthly sovereign, another *new thing* was beheld, an awful prelude to the last times of lawlessness. In that monarchy which had thus laid hold on things divine subjects were seen to rise against their sovereign, dethrone, imprison, judge and execute him, and bathe in the blood of its wearer the crown which had stolen Christ's prerogative. A most abominable crime, but as fit a retribution. The world had seen, and the Church had suffered, no such ambition as that of Henry the Eighth, and of Elizabeth—the world had seen and the Church suffered no such crime as the murder of Charles I., the public and quasi-legal execution of the source of temporal jurisdiction, God's representative in the human polity, by his own subjects,—since the passion of Him who gave the spiritual jurisdiction which that monarchy had invaded. And is there not another further retribution? That monarchy, so eager to attribute to itself the springs of all power, which would nominate bishops as Lords Lieutenant, and give them commission to exercise Christ's power during its own bene placitum, has been itself put into commission, and its power, both as to temporals and as to spirituals, is wielded by the nominee of a parliamentary majority. The prime minister for the time being is the real source of spiritual jurisdiction in the Church of

England. "Saul rent the robe of Samuel, and what became of him? God rent the kingdom from him."

I can well understand the extreme unwillingness of Churchmen to admit the real state of things as existing in fact among us: viz. that the civil power is made the root and source of spiritual jurisdiction. To all those who have been brought up in, or who have attained to, any knowledge of the Church's spiritual constitution, or of its history during the fifteen hundred years preceding this claim, to all again who believe that there is one visible Church, not in name, but in reality, and that it is one divine imperium, I will not ask what this claim must appear, either by the light of reason, or by that of Revelation. Nevertheless, all lawyers are agreed that such, so far as law goes, is the actual constitution of the Church of England. It is well, when things are disputed, to refer to past times, and I therefore print at the end of this pamphlet (see appendix) the case of the Supremacy, as preserved for us by Collier, and drawn by him out of the State Paper office, the work, he says, of an able hand in the time of Charles II.—Again, Bishop Gibson, more than a hundred years ago, interpreting the 37th article, says of it, "The Queen hath the chief power and government, Ecclesiastical and Civil, which is not to be extended to ministering in the Church, *but only to ecclesiastical jurisdiction.*" What the Queen's Supremacy is in civil matters, we all know. All courts of justice are held in her name: all laws derive their force from her confirmation: the

Supremacy means, that she is the *source* of civil power. So must it be likewise in spiritual matters; always excepting what belongs strictly to the power of Order, which Elizabeth expressly declined,—she is the *source* of the Church's jurisdiction in foro exteriori. And Dr. Cardwell in the year 1839 says: "It would appear from the principal act of Queen Mary (1 and 2 Philip and Mary, c. 8.) and the statutes repealed by it, that the Pope's jurisdiction in England was comprised under the five following heads: 1. He was acknowledged as chief Bishop of the Christian Church, with authority to reform and redress heresies, errors, and abuses within the same. 2. To him belonged the institution or confirmation of Bishops elect. 3. He could grant to clergymen licenses of non-residence, and permission to hold more than one benefice. 4. He dispensed in the canonical impediments of matrimony. 5. He received appeals from the spiritual courts. So that the Supremacy of the crown in this respect may be summed up in the words of Hooker, after the following manner: "There is required an universal power which reacheth over all, importing supreme authority of government over all courts, all judges, all causes; the operation of which power is as well to strengthen, maintain, and uphold particular jurisdictions, which haply might else be of small effect, as also to remedy that which they are not able to help, and to redress that wherein they at any time do otherwise than they ought to do. *This power being sometime in the Bishop of Rome*, who

by sinister practices had drawn it into his hands, *was for just considerations by public consent annexed unto the king's royal seat and crown.* From whence the authors of reformation would translate it into their national assemblies or synods; which synods are the only help which they think lawful to use against such evils in the Church as particular jurisdictions are not sufficient to redress. In which case our laws have provided that the king's supereminent authority and power shall serve: as namely, when the whole ecclesiastical state, or the principal persons therein, do need visitation and reformation: when in any part of the Church errors, heresies, schisms, abuses, offences, contempts, enormities are grown, which men in their several jurisdictions either do not or cannot help: *whatsoever any spiritual authority or power,* (such as legates from the see of Rome would exercise,) *hath done or might heretofore have done for the remedy of those evils in lawful sort,* (that is to say, without the violation of the law of God, or nature, in the deed done,) *as much in every degree our laws have fully granted that the king for ever may do, not only by setting ecclesiastical synods on work, that the thing may be their act and the king their motion unto it, but by commissioners few or many, who having the king's letters patent may on the virtue thereof execute the premises as agents in the right not of their own peculiar and ordinary, but of his supereminent power.*" Hooker, Vol. 3, p. 543.

I recommend the above passage to the consideration

of those who dream of a certain civil supremacy in ecclesiastical matters, as the meaning of the 37th article, and especially to one revered person who has lately thus written: "The word supreme speaks of there being no earthly authority over the king, that he is entitled by virtue of his authority from God, to give redress to any of his subjects. Yet, as in temporal matters he gives that redress according to the civil laws, so must he in spiritual matters according to the laws of the Church. The Bishops were the judges in ecclesiastical matters in this land nearly eighteen hundred years ago. The king, in referring a matter to them, refers it to an existing authority, anterior to his own. The word 'supreme,' as I said, implies that he has the highest authority: it does not imply anything as to his being 'the fountain of authority.' It implies that he may in a legitimate way have wrong things righted: it does not imply that he may act in an illegitimate way. — Synods are the Church's appointed way for hearing ecclesiastical appeals. (Bishops judged in matters of faith up to the Reformation. Henry VIII. himself recognized this as their office.) Queen Elizabeth professed to claim no other authority than that of our English Sovereigns of old. The Church, by no act of her own, gave up her right. *She has acquiesced only in a system not vicious at first but gradually becoming such.*"

Did then the English Sovereigns down to the time of Elizabeth wield over the Church the full powers

of the Papal Supremacy? What can be more utterly opposed than the words of Hooker setting forth the actual state of things, and justifying it, and those of the Guardian's revered correspondent?

But, Dr. Cardwell continues, "Large, however, as is the field allowed by the statute for the exercise of the supremacy, its boundary is made more indistinct, and at last vanishes in the distance, when we include within it the further range that was claimed and recognised at different periods of our history, under the title of the King's prerogative. It was decided in the well-known case of Cawdry, that the Act of Supremacy (1 Eliz. c. 1.) "was not a statute introductory of a new law, but declaratory of the old;" and that if it had never been enacted "the King or Queen of England might make such a commission, as is there provided, by the ancient prerogative and law of England." So that independently of the power acknowledged in the statute, there was yet in reserve within the capacious bosom of the common law an undefined authority, which, being similar in its character, might also be equal in its amount, to the omnipotence of Rome." Annals, Preface, p. xi. &c.

The difference between the regale as exercised by the earlier or later Norman princes, and that supremacy which was settled on the Crown in 1559, is a difference not of *degree* but of *kind*. There are a vast number of mixed causes in which the civil and ecclesiastical jurisdiction may seem to come in contact,

and in which, unless wisely and considerately wielded, they will clash. Here such princes as Edward I. and Edward III. would be jealous of their temporal authority being infringed—but that they claimed to themselves supremacy of spiritual jurisdiction might about as reasonably be contended as that S. Louis in France did so, whose jealous care of his temporal prerogative is equally well known, and who yet has been canonized by the Roman Church. The same prerogative in spiritual matters which was claimed in right of their crown by Henry VIII. and Elizabeth, belonged, so far as it was legitimate, to the crowns of France, Spain, Germany, Portugal, and all the Princes of Europe. Which of them has ever been accused of annexing to his throne a spiritual supremacy? Louis XIV. pushed to their furthest extent what are called the Gallican liberties, but will any one say that he claimed to give to his bishops their spiritual jurisdiction, or to be the supreme judge of doctrine? Is there not the greatest possible difference between the occasional clashing of two powers, one founded in men's belief and opinion on the special grant of Christ, and the other strong in material force, and representing the natural right of society to govern itself, wherein the latter would often commit acts of injustice on the former; between such a state of things, I say, on the one side, under which fall the acts of our own ante-reformation princes, and of the French, Spanish, and Portuguese kings, and the German emperors in all times; and on the other

side, the settled and undisputed combination of the two powers of jurisdiction, civil and spiritual, in one head? The latter has been taken to be the true account of the state of things among ourselves by all continental writers from the beginning to the present day. And all our history bears witness that this is a correct judgment.

Does such a state of things allow the existence of the Church of Christ at all as one spiritual empire all over the earth? Or does it make it "only the ministry which the secular power uses for teaching such religious doctrines, duties, and observances as the state from time to time shall choose?" I suppose the answer to this question will carry with it the answer to another, Is it Christian or Anti-christian?

Had the intent been simply to take away a foreign court of appeal, and to make all spiritual causes determinable in this country, the obvious way would have been to allow no appeal from the Court of the Archbishop of Canterbury, as Primate of *all* England. This would in effect have made him a Patriarch, so far as British rule was concerned: but the civil power was as far as possible from having any such intent: it coveted and it seized the supreme spiritual jurisdiction,—the whole Papal Supremacy—for itself. For it will be seen that this supremacy, as defined above by Dr. Cardwell, from Dr. Lingard, consisted in functions all springing from the power of Jurisdiction, and not from the power of Order.

Nor in the world's history hitherto has any idea been more thoroughly worked out in act, and carried forth into every possible consequence, than the idea of the civil power being the source of spiritual jurisdiction in the Church of England. Since 1559, this may be called the basis on which all the relations of the State to the Church have been settled. The first act of the state to the nascent communion typified and summed up in a wonderful and prophetic way the whole regimen for three hundred years. Our actual Episcopate is derived from Parker: it possesses whatever jurisdiction he had, neither more nor less. The following is Mr. Lewis's account: I am not aware that any facts which he has stated are incorrect—and if not, I am sure they are so important that they ought not to be *shirked*, but an answer given to them, if an answer can be found.

"The Catholic Bishops, at the accession of Queen Elizabeth, were deprived of their sees for refusing to take the oath of supremacy, the Bishop of Llandaff excepted: to him, therefore, with certain other Bishops, the Queen issued a Commission to confirm the election of Parker, and to consecrate him to be Archbishop of Canterbury.

"The first of these prelates, that is, the Bishop of Llandaff, and the last, Bale, Bishop of Ossory, are described as in actual possession of their sees. The others were such as had been deprived of their bishoprics, and had not yet obtained possession of any, or were suffragans, and consequently had no

jurisdiction in the province of Canterbury, but such as was delegated to them, from time to time, by those whose suffragans they were. The deprived prelates were now elected to bishoprics, except one; but their election had not been confirmed, consequently they had no jurisdiction of their own. When the day appointed for the confirmation of Parker was come, the Bishops who appeared to perform the ceremonial were, Barlow, Bishop elect of Chichester; Story, elect of Hereford; Coverdale, formerly Bishop of Exeter; and John, suffragan of Bedford; not one of these Bishops was in actual possession of his see, and the suffragan of Bedford depended for his authority on the allowance or commission of his superior.

"The Queen, therefore, in her Commission to these prelates, inserted this unusual clause:—

'Supplentes nihilominus, suprema authoritate nostra regia, ex mero motu ac certa scientia nostris, si quid aut in his, quæ juxta mandatum nostrum prædictum per vos fient, aut in vobis aut vestrum aliquo, conditione, statu, facultate vestris ad præmissa perficienda desit aut deerit eorum, quæ per statuta hujus regni, *aut per leges ecclesiasticas* in hac parte requiruntur, aut necessaria sunt, temporis ratione et rerum necessitate id postulante.'

"To this clause in their Commission the prelates make particular reference in the sentence of confirmation. The election of 'the venerable man, Mr. Matthew Parker, we confirm,' they say, 'by the

supreme authority of the said most serene lady, our Queen, committed unto us in this behalf: supplying by the supreme royal authority, of the Queen's mere motion and certain knowledge, delegated to us, all defects in this election, as well in those things done by us, and proceeded with according to the commandment given us, or that are or shall be in ourselves, or in the condition, state, or capacity, of any one of us for this performance.' (Bramh. 3. 202.) Parker was consecrated December 17, 1559, by Barlow, assisted by Scory, John of Bedford, and Miles Coverdale. Barlow and Scory were afterwards confirmed in their respective bishoprics by Parker, whom they had confirmed in his before, and Coverdale never resumed his episcopal functions. Supposing that the consecrators of Parker were themselves Bishops, validly ordained, Parker's consecration was good, *so far as the episcopal character is concerned.* It appears, however, that his consecrators had no authority to consecrate him from any Bishop in the actual use of his jurisdiction: which makes the act *defective in the point of authority.* They had no more right to consecrate an Archbishop of Canterbury, than they had to consecrate one for Milan. In their own right they had none: by delegation from ecclesiastical superiors they had none. But they proceeded to confirm Parker's election by virtue of the Queen's writ; and whatever authority they received thereby, that they conferred on him, they had none other: and so they leave it on record

that they confirmed their future metropolitan under a civil writ, by which their service and condition were made available, and their clear deficiencies duly supplied.

"Whatsoever authority to govern Christian men was received by Parker, that authority, and no more, has he transmitted to his successors; it is now shared by the living Bishops of the Anglican Church, and whatever it be, it was derived" (i. e. so far as the question of jurisdiction is concerned,) "from the civil power, which he seems to have acknowledged in his act of homage, as we saw before. This consecration was questioned, and doubts were made about it, and the following consecrations, whose validity depends upon it. In order to allay people's perplexities, an act of parliament was passed, 8 Eliz. c. 1, to pronounce 'That all acts and things heretofore had, made or done by any person or persons in or about any consecration, confirmation, or investing of any person or persons elected to the office or dignity of any Archbishop or Bishop within this realm, or within any other the Queen's Majesty's dominions or countries, by virtue of the Queen's Majesty's letters patent or commission, since the beginning of her Majesty's reign, be, and shall be by authority of this present parliament, declared, judged and deemed, at and from every of the several times of the doing thereof, good and perfect to all respects and purposes; any matter or thing that can or may be objected to the contrary thereof in any wise notwithstanding.'

"If it be within the power of the civil authority to give strength or completeness to what is or ought to be divine, then the confirmation and consecration of Parker cannot be questioned.

"The legislative body of the kingdom has not only decided that the consecrations made according to the form of ordination published in the reign of King Edward VI. shall be good, but has also given some reasons for its sentence. These reasons are, that Henry VIII. had 'the supreme power, jurisdiction, order, rule, and authority over the estate ecclesiastical,' and that this same power was 'annexed to the imperial crown of this realm,' with which Queen Elizabeth was 'lawfully invested,' who, having in her Majesty's 'order and disposition all the said jurisdictions, powers, and authorities over the estate ecclesiastical and temporal,' had caused divers men to be made bishops. That she had 'further, for the avoiding of all ambiguities and questions that might be objected against the lawful confirmations, investing, and consecrations of the said archbishops and bishops,' not only used such words and sentences as were accustomed to be used in the reigns of her father and brother, 'but also hath used and put in her Majesty's letters patent *divers other general words and sentences*, whereby her Highness, *by her supreme power and authority*, *hath dispensed with all causes* or doubts of any imperfection or disability that can or may in any wise be objected against the same.' Here we have the meaning of that singular clause to

which Barlow and his assistants made such careful reference. The canonical difficulties to Parker's confirmation were removed by a dispensation from the civil power."

Mr. Lewis's next remark seems much to be noted: "Before the consecration of Parker, the English prelates might perhaps have insisted *on their original jurisdiction*, and, disregarding the statutes, claimed their authority, because they had been duly confirmed by prelates who had entered canonically into their respective sees. But in this case, there is no shadow of ecclesiastical rule; the confirming bishops were unconfirmed themselves for eleven days after Parker's confirmation; and on the day of his consecration were not certain that even their election to their bishoprics would be allowed by the Queen. They consecrated Parker, December 17; but the Royal assent to their election was not given till next day. This confirmation of Parker was made by those who had no authority to make it; they were without any recognised jurisdiction. Let it be allowed that he (Barlow) had been duly consecrated; still he was disabled from executing his functions: he and his colleagues had no jurisdiction.—On the supposition that they were true bishops, they had power to administer the sacraments, but in no particular place, nor to any particular persons; they were bishops, but they had no subjects: all acts of jurisdiction performed by them under these circumstances would be *null*—all acts of their order *irregular*. Supposing

them to be true bishops, nay, to have been consecrated by the Supreme Pontiff himself, and under no canonical disabilities, they could not confer orders which should be valid in respect of execution: as they had no jurisdiction themselves, they could confer none upon Parker, and that defect must still inhere in Parker's successors; time cannot cure it. Original sin is not done away with by our distance from Adam, but by baptism. This defect of jurisdiction in the original consecration cannot be supplied by length of time, (quod ab initio nullum est, tractu temporis non convalescit)."—Notes on the Royal Supremacy, p. 70-6.

And as Archbishop Parker's jurisdiction was an emanation from that annexed to the Crown, so the Crown thought fit, about eighteen years later, to withdraw his jurisdiction from Parker's successor, Grindal. This prelate was not as zealous as the Queen wished him to be against the Puritans, so she suspended him. In vain did twelve of his suffragan bishops petition the Queen for his restoration, in a Latin letter still extant, wherein they assure Her Majesty of their undoubted loyalty, by the fact that they should not be allowed to survive her a single day. "Nos, *quos ecclesiæ gubernationi præfecisti*, cum a tua majestate discesserimus, nihil habemus humanum, quod speremus vel ad unum diem posse imminentem cervicibus et capitibus nostris calamitatem avertere."—Cardwell, Annals, i. 391. In vain Convocation pleaded for him; he remained for years

suspended, and had at last prepared his resignation, when death carried him off.

This, it may be said, was heat of Tudor blood; but then Charles I., under Laud's guidance, suspended Archbishop Abbot in like fashion. He issued "a commission to sequester Archbishop Abbot from all his ecclesiastical offices and jurisdiction." It ran thus: "Charles, by the grace of God, &c. Know ye that we, reposing special trust and confidence in your approved wisdoms, learning, and integrity, have nominated, authorized, and appointed, and do by these presents nominate, authorize, and appoint you, the said George Lord Bishop of London, Richard Lord Bishop of Durham, John Lord Bishop of Rochester, John Lord Bishop of Oxford, and William Lord Bishop of Bath and Wells, or any four, three, or two of you, to do, execute, and perform all and every those acts, matters, and things, any way touching or concerning the power, jurisdiction, or authority of the Archbishop of Canterbury, in causes or matters ecclesiastical, as amply, fully, and effectually, to all intents and purposes, as the said Archbishop might have done. And we do hereby command you, and every of you, to attend, perform, and execute this our Royal pleasure in and touching the premises, until we shall declare our will and pleasure to the contrary. And we do further hereby will and command the said Archbishop of Canterbury quietly and without interruption to permit and suffer you, the said George, &c., any four, three, or two of you,

to execute and perform this our commission, according to our Royal pleasure thereby signified."—Cardwell, Annals, ii. 165-8.

But the most remarkable act, perhaps, of the Royal supremacy extant, is the absolving this same Archbishop Abbot, at a former period, from the canonical irregularity of having killed a man by accident, when hunting at Bramzill Park. "The occurrence and its consequences were announced by the Lord Keeper Williams" (then Bishop of Lincoln, afterwards Archbishop of York) "to the Duke of Buckingham in the following manner: 'His Grace, upon this accident, is by the common law of England to forfeit all his estate unto his Majesty; and by the canon law, which is in force with us, irregular ipso facto, and so suspended from all ecclesiastical function, until he be again restored by his superior; *which, I take it, is the King's Majesty, in this rank and order of ecclesiastical jurisdictions.*'" "The King," says Bishop Hacket, "saw that whether the person of the Archbishop were tainted by this act or not, yet his metropolitical function was unsettled in many men's opinions; he heard that the acts of spiritual courts were unsped, and came to no end, till sentence were pronounced one way or other *by the supreme authority.* Therefore a commission was directed from his Majesty to ten persons, to meet together for this purpose about the beginning of October." The result of their deliberations was, that the King appointed a commission of bishops, Andrewes being one of them, and

by their means "assoiled the Archbishop from all irregularity, scandal, or infamation, pronouncing him to be capable to use all metropolitical authority."—Cardwell, Annals, ii. 136. The Royal decree runs: "De gratia nostra speciali, et ex auctoritate nostra regia suprema et ecclesiastica qua fungimur,—plenam concedimus facultatem et potestatem per præsentes, —quatenus—cum præfato reverendissimo patre superomni et omnimodo juris vel facti defectu, censura, sive pœna aliqua canonica et ecclesiastica, præsertim vero irregularitate omni, seu irregularitatis nota, (si quæ forsitan ratione præmissorum contracta fuit, vel quibusdam contracta esse videantur,) utque in susceptis ordinibus et jurisdictionibus secundum concreditam sibi ratione ordinis et archiepiscopatus sui potestatem libere ministrare, frui, exercere, et gaudere valeat, ad majorum cautelam dispensetis."—Collier, ix. 378, who observes in loco, "By this instrument, the canons, in case there was need, are overruled and dispensed with. The force of Abbot's character was revived, and he is fully restored to the exercises of his functions. This is a wonderful relief from the Crown! and supposes a patriarchal at least, if not a papal authority, vested in the King. Vol. vii. 418.

What boots it, after this, to mention the deposition of Archbishop Sancroft by Queen Mary II., or the numberless acts of modern times erecting bishoprics, altering the jurisdictions of existing bishoprics, naming commissions to which supreme ecclesiastical

jurisdiction over the whole Church for certain purposes is given, appointing a supreme court for heresy, and in one case, which is without a parallel, assigning Syria, Chaldea, Egypt, and Abyssinia to be the limits of the "spiritual jurisdiction" of a certain bishop. These acts in former times were not reputed tyrannical, at least the Church herself never complained of them, and they have been borne very patiently in the present day, until at last the supreme ecclesiastical court — deriving its jurisdiction from the civil power — has thought fit to annul an article of the creed. There is then no other way of interpreting the acts of three hundred years, manifold as they are, and yet stamped with one aspect, but this, that they have indeed their proper rationale, which is, that the supremacy of spiritual jurisdiction over the Church, by many Christians supposed to have been conferred by our Lord on St. Peter and his successors, has, so far as regards the British dominions, been transferred by Act of Parliament, or, as others say, in virtue of a prerogative always latent in the crown — though why in this rather than in other crowns does not appear—to the sovereign for the time being of these realms.

II. Let us now proceed to say a few words on the other division of the power of spiritual Jurisdiction, that in foro interno.

Jurisdiction in foro interno is the lawful use of the power of remitting sins upon confession of them. This power *itself*, as we have seen above, is part of

the power of Order, which theologians divide into two, that which is over the true Body of Christ to consecrate it, and that which is over the mystical Body of Christ for the sanctification of the faithful and their deliverance from sin.

But though this power is in itself a part of Order, and of the sacerdotal character, which is indelible, as being given by consecration, yet *the lawful exercise* of this power belongs to Jurisdiction. For, by the words used at the consecration of a priest, Receive the Holy Ghost; whose sins thou dost remit, they are remitted, and whose sins thou dost retain, they are retained; a true power is given of itself, and in its own order, sufficient to remit the sins of those put under him, when he has them; but by these words jurisdiction or subjects are not given. The power, in its own nature, stretches to the absolution of all, and therefore these words of our Lord, repeated by the bishop in his person, are so indeterminate and universal; but the use of that power is limited according to the jurisdiction possessed by the priest, and this must come by a further grant from his superior.

We are in practice very familiar with this distinction; e. g. a man is ordained a priest by a bishop, and from that time forth he is as much a priest as any one can be, yet he can perform no priestly act involving spiritual jurisdiction, without cure of souls, delegated to him either permanently, or at least during the performance of that act. A bishop who

had resigned a colonial see was lately resident in a country parish, yet, though superior in power of Order to the parish priest, he could perform no one act in that parish involving Jurisdiction save by the permission of the parish priest.

Or, again, the analogy of temporal government will illustrate this law of the divine commonwealth. A man holds the rank of captain in the navy, as another does that of priest; but as the former does not therefore hold a right to command any particular ship, or seaman, without a special commission thereto, which may continue or be withdrawn, without affecting his rank as captain, so neither has the latter authority to exercise the power of the keys over this or that person unless he has legitimate jurisdiction, *i. e.* the office of a spiritual superior, over him.

Even the material key can only open its proper lock, nor can any active virtue take effect save on its proper matter. Now a person is made the proper matter of the power of Order by means of Jurisdiction, and so no one can use the keys upon one over whom he has no jurisdiction.

According to all this, for absolution from sin after sacramental confession a two-fold power is required, the power of Order and the power of Jurisdiction. The first is equally in all priests, but not the second, which descends from superiors to inferiors, and must be used according to the limitation imposed by the superior.

And there is another most important distinction

between acts flowing from Order and acts flowing from Jurisdiction. Acts flowing from Order, though done wrongly and illicitly, are yet, when done, *valid;* but acts flowing from Jurisdiction, if done upon those over whom the doer has no jurisdiction, are absolutely *invalid* and *null.* So that all absolution pronounced by a priest over a person not spiritually subject to him, is utterly without force. And a person cannot make himself subject to another at his own will, for this power descends from above, and does not ascend from below.

Let us see the effect of this. A bishop has jurisdiction over his own diocese: he imparts a portion of that jurisdiction to every priest to whom he gives the cure of souls: and in that cure of souls are comprised all means necessary for their well-being, of which the hearing confessions and giving absolution is assuredly one. Consequently all parish priests may be said to have ordinary jurisdiction for this purpose *over their own flock*, but not over others.

Again, a bishop may delegate such power of using the keys to any priest over any, or over all, persons in his diocese; for they being his own spiritual subjects, he can impart a portion of the pastoral care over them to any person duly qualified, *i. e.* by sacerdotal orders, whom he pleases.

But in default of either ordinary or delegated jurisdiction, a priest cannot, by the mere power of Order, hear confession and give absolution; and if he does so, his absolution will be *null* and *void.*

These are not rules and principles of the modern Church, or of the western Church, merely, but of the ancient and the Catholic Church. For many hundred years this power of absolution seems to have been exercised immediately by the bishop, or by priests living in common with him, and under his immediate superintendence. And when, in process of time, the bishop communicated a part of his pastoral charge to priests living at a distance from him, this law of jurisdiction was universally observed.

Now all power which cannot issue into act save on the presupposition of certain rules depends on the power which makes those rules. But the priest cannot absolve and bind unless the jurisdiction of a superior in him be presupposed, by which those whom he absolves are subject to him. But he may consecrate any matter determinated to that end by Christ, nor is anything more for this required of the necessity of the sacrament.

But one exception there is to this necessity of jurisdiction, by the universal practice of the Church from the beginning, or rather in this particular case the practice has given the jurisdiction, viz., that any priest may absolve any penitent from any sin, in articulo mortis.

All this doctrine may be summed up thus. All spiritual power of the sacerdotal character is given together with a certain consecration, and therefore the keys are given with Order; but the use of the

keys requires its proper matter, which is a people made subject by jurisdiction, and therefore one, before he has jurisdiction, has the keys, but has not the act of using them.

A consequence of this is, that while in all schismatics, heretics, excommunicated, suspended, or degraded persons, the *power* of the keys remains as to its *essence*, yet the *use* of the keys is barred through defect of matter. For, the use of the keys requiring superiority in the user over him on whom it is used, the proper matter on which the use of the keys is exercised is a spiritual subject; and since it is through the order of the Church that one is subject to another, therefore a former subject may be subtracted from his obedience by those who have the rule in the Church. Whence, as the Church deprives heretics, schismatics, and such like, by withdrawing their subjects, either simply or partially, so far as they are deprived they cannot have the use of the keys.

And now for the bearing of the Royal Supremacy on all this. We have seen how it seized upon and appropriated the full Papal Supremacy as to Jurisdiction in foro externo; did it also lay claim to Jurisdiction in foro interno? My belief is, that it troubled itself very little about the matter, and, considering it as depending on the power of Order, which it is, and on that alone, which it is not, was willing enough that, so long as the whole outward jurisdiction was allowed to flow from itself, the inward might accom-

pany those whom it selected for its agents. I suppose, moreover, that for fifty years after Elizabeth's accession sacramental confession was very little practised in the Church of England, by some âmes d'elite, like Hooker's, perhaps, but never by the mass of Christ's poor. When, in the times of James and Charles, our divines had risen to higher notions of the Church and its functions, they supposed this power of inward spiritual jurisdiction to reside in bishops and priests.

But in the mean time a certain consequence had not been heeded. The supreme power which bestows one part of jurisdiction bestows the other likewise. Thus, if the civil power take a county from one see and give it to another, not only the power of external jurisdiction but that of internal likewise is thus attempted to be conveyed from one person to another—one bishop to another. For the parish priests derive their jurisdiction from the bishop, and the bishop from the power that gave him such a county for a part of his see; and if that power have by the law of God and the grant of Christ no authority to convey spiritual jurisdiction at all to the bishop, it will follow that all spiritual acts involving jurisdiction done in such county are null and void.

Looking therefore at Christ's kingdom as a real thing, not a state creation, not an engine of temporal government, not a toy for statesmen to play with, nor a treasury from which they are to draw rewards for their followers, (Oh, shame and unspeak-

able disgrace that such things can be said, and so truly said, that the mere saying them sounds like a libel on existing powers!) looking at Christ's Church once more, as His kingdom, not *of* this world but *in* it, nothing less than inextricable confusion, than the rendering dubious all spiritual powers most necessary for the soul's good, than the reducing minds in proportion as they are tender and conscientious into the uttermost doubt about all holy things, — can arise from the claim of the civil power any where to be the source of spiritual jurisdiction.

That claim—let us as Englishmen, as Christians, think of it well — exists now — and in past time has existed in one communion only on the face of the earth calling itself Christian, viz. the Anglican Church, and on the part of one sovereign only calling himself Christian, the sovereign named the Defender of the Faith.

I quite agree with Mr. Irons that "in these active times, (and those more active that are coming,) it will be necessary that we ultimately have a theory and practice of churchmanship that will bear the inspection of common sense."

I ask, is that theory the theory of 1 Eliz. c. 1.? and that practice the practice of the last three centuries?

Let us see the two main grounds on which it is based,

1. It is based on the denial that the Church of Christ is one mystical body—one simple kingdom

dispersed throughout the whole world, governed by spiritual officers, who derive their title and their power so to govern from the express grant of our Lord to his Apostles.

Instead of this it mixes up the Church of Christ in each nation where it may be locally situate, with the order and jurisdiction of temporal government: yet these are two things in their end, their origin, and their subjects essentially distinct, as has been shown.

The highest notion of the Church to which it rises would seem to be that of the synagogue under the old law. Now the Jewish Church was national only, and therefore no standard for a Catholic Church, and again, it was typical, both its kings and its priests prefiguring in their office and functions our Lord — so that to argue from the power of godly kings in Israel to the like power of godly kings in the Church of Christ, would be, as has well been said, to overlook the fact that our Lord has come in the flesh, and has taken up into His own Person both the priesthood of Aaron, and the royal power of David, and derived forth from that Person for the government of His Church, a new power embracing both, according to the quotation from S. Epiphanius given above.

2. It is based on the further similar denial that there is no proper priesthood in the Church of Christ, and therefore no special power to govern it, beyond that which is in the civil magistrate, or in any com-

munity, by right of nature, for the preservation of order.

It seems indeed, but only seems, to escape from this by urging the distinction between actions requiring the power of Order, and those requiring only Jurisdiction. It is said that the sovereign may exercise every act of ecclesiastical jurisdiction by himself, and has, unto this, supreme power, and so that this is sufficient for him to hold a spiritual primacy, though he cannot exercise of himself the other actions which require a power of Order. But this is especially opposed to Christ's institution ; for it was His will that the Church should be ruled by those whom He made the chief ministers of the word of God and of the sacraments, that is by bishops, in whom the power of Order exists in excellency. Moreover it is sufficiently absurd for the Church's supreme governor not to be able to exercise in his own person the chief acts which are directed not only to the worship of God, but to the sanctification of the faithful. For in civil government inferior magistrates can do nothing in respect to that which their power has for its end, which the sovereign cannot do in higher degree in order to the same end. Much more then, in the Christian commonwealth, ecclesiastical power, whether of Order or Jurisdiction, being directed to a spiritual end and the sanctification of souls, these two powers ought to be so arranged in reference to each other as to be joined in the supreme head of the Church in all their perfection and excellency.

If these are the *grounds*, what are the *results?*

I have supposed throughout that the orders of the Church of England are valid, and untouched by the operation of the Royal Supremacy — for this is another and a very difficult question, and I wish to take only what is indubitable — but if unto the right use of Orders valid Jurisdiction is required, for the Archbishop as Primate, for the Bishop as Diocesan, for the Parish priest as incumbent, for sinful souls who need absolving, for anxious souls who need comforting, and for God's blessing on all acts of Christian ministry,—and if acts flowing from jurisdiction, but done without jurisdiction, which as much *by the Word of God* as by the tradition of the church comes from the grant of Christ and not from the temporal power—if such acts are absolutely *null* and *invalid*, I leave for others to trace in this respect the result of the Royal Supremacy on the Church of England.

One other result must be briefly mentioned. Supremacy of spiritual jurisdiction carries with it necessarily the right and the burden of supreme judgment as to doctrine. The act of 1 Eliz. c. 1, mentions the power of naming commissioners to judge of heresies —those who judge of heresies must define truth: and Hooker is careful to say after mentioning heresy "whatever any spiritual authority or power hath done or might heretofore have done for the remedy of these evils in lawful sort, as much in every degree our laws have fully granted that the king for ever may do, not only by setting ecclesiastical synods on work, that the

thing may be their act and the king their motion unto it, but by commissioners few or many, who having the kings letters patent may in the virtue thereof execute the premises as agent, in the right not of their own peculiar and ordinary but of his supereminent power." Thus the Sovereign is not bound to act by synod or convocation — why should he? It was the very idea of Henry VIII. and Elizabeth to put the Supremacy in his single person — his confirmation alone gives their force to canon or dogma, according to this idea. In short the clavis potentiæ and the clavis scientiæ— the universal power of government in Christ's Church, the power to rule, to distribute, suspend, or restore jurisdiction, and the power to define verities of the faith and to interpret holy Scripture — this power with liberty to exercise it " by commissioners few or many," and, it may be added, lay or clerical, believers or unbelievers, has descended by act of parliament, or a prerogative inherent in their crown and quite unique in the history of the world, together with their ample temporal dominion, on the shoulders of the kings and queens of England.

But what is the effect of this on the status of the Church of England? It is that the actual bond of her existence — her characteristic as a religious communion—that which makes her a whole—is the right of the civil power, now lately exercised, to be the supreme judge of her doctrine.

APPENDIX.

No. I.

A PAPER introduced by Collier in his Church History, Part 2, Book 2, (vol. 4, p. 253, Straker's Edition,) transcribed by him from the Paper office, and written, he supposes, in the reign of King Charles II., entitled—

"*A Discourse concerning his Majesty's supreme Power Ecclesiastical, established by the Laws of this Kingdom, at this present time in their full force and vigour.*

A discourse concerning the king's ecclesiastical supremacy. A. 25. Regni sui.

"WHEREAS in the title of a petition of the clergy, for the release of the præmunire, king Henry VIII. was styled the supreme head of the Church and clergy of England, 'quantum per legem Christi licet,' as far as it was lawful by the law of Christ; that doubtful mitigation being offensive to the king, the clergy in their synod unanimously, and without ambiguity, declared him supreme head of the English Church. 'Omnium sententiis sine ulla ambiguitate Ecclesiæ Anglicanæ supremum caput declaratus est.'—See Archbishop Parker's Antiquitates Britan. p. 326.

"Shortly after, upon a paper sent them from the king, that no constitution in their synods or convocations should be made, enacted, promulged, or exercised, unless the king first give his assent to their deliberation and making, and afterwards approve the same under his broad seal, the clergy made their abso-

25 Hen. 8. cap. 19.

lute submission.—See the act of parliament, and king James's declaration before the constitutions, 1603; and king Charles I. before the canons, 1640.

25 Hen. 8. cap. 19.

"In the aforesaid act, a power is given the king, with the advice of the major part of thirty-two persons, whereof sixteen to be laymen, to reform all the old canons and decrees of the Church; which thirty-two persons are to be chosen and appointed by his majesty to annul such laws as shall be thought, by the more part of them, worthy to be annulled; and to appoint and confirm such others as shall be judged by them to stand with the laws of God. See the statutes whence this power is given him during his life, and the same was given to king Edward VI. It is true that these statutes were but temporary: yet the effect of them is now in force, which is the body of ecclesiastical laws, compiled by them, entitled, 'Reformatio Legum Ecclesiasticarum,' printed several times, with the declarations of king Henry VIII. and king Edward VI. before them: and one of those laws, very remarkable, and particularly belonging to his majesty's supreme authority in causes ecclesiastical, is this: 'Rex tàm in archiepiscopos, episcopos, clericos, et alios ministros, quàm in laicos, intra sua regna et dominia, plenissimam jurisdictionem tàm civilem, quàm ecclesiasticam habet et exercere potest; cùm omnis jurisdictio, et ecclesiastica et secularis, ab eo tanquam ex uno et eodem fonte derivatur.' All jurisdiction, ecclesiastical as well as secular, is derived from him, as from the same and only fountain of both.

27 Hen. 8. cap. 15. and 35 Hen. 8. cap. 16. A. 3. and 4. Edw. 6. c. 11. A. 1571. 1940. 1661.

"And this great and fundamental maxim for ecclesiastical jurisdiction in the Church of England is founded upon the express words of several statutes, giving all manner of spiritual and ecclesiastical authority to the king, and taking it away from the bishops, except it be by dependence and delegacy from him, explained, and more particularly set down, in 1 Eliz. cap. 1. Where it

is enacted, that 'such jurisdictions, privileges, and pre-eminences spiritual and ecclesiastical, as by any spiritual and ecclesiastical power have heretofore been, or may lawfully be, exercised or used for the visitation of ecclesiastical estate and persons, and for reformation of all manner of errors, heresies, schisms, crimes, vices, &c., be for ever united to the imperial crown of the realm.' And 37 Hen. 8. cap. 17. 'Whereas the royal majesty is justly supreme head in earth of the Church of England, and hath full authority to correct and punish all manner of heresies, schisms, errors, vices, and to exercise all other manner of jurisdictions, commonly called ecclesiastical jurisdiction.' It is added, that the 'archbishop and bishops have no manner of jurisdiction ecclesiastical, but by, under, and from the royal majesty.'—See also 1 Edw. 6. cap. 2. 'All authority of jurisdiction, spiritual and temporal, is derived and deduced from the king's majesty, as supreme head of these Churches and realms of England and Ireland, and so justly acknowledged by the clergy of the said realms, so that all courts ecclesiastical within the said two realms be kept by no other power or authority, either foreign or within the realm, but by the authority of his most excellent majesty.' 26 Hen. 8. cap. 1.

"Amongst these jurisdictions it is evident that excommunications, suspensions, and deprivations, *ab officio*, and all manner of dispensations belonging to the Church are to be understood annexed to the king: not that it is affirmed that the king did ever exercise himself the power of the keys, but that this right was annexed to the imperial crown; that no clergyman, being a member of the Church of England and Ireland, should exercise it in his dominions, in any cause, or any person, without the leave and appointment of him, the supreme head of the Church, nor any forbear to exercise where he the head commanded it. As before the reformation the inferior clergy might not exercise any Church cen-

sure contrary to the commands of their lawful superiors, —which jurisdiction of their former spiritual superiors was now enstated on the king, not as one subordinate to any ecclesiastical jurisdiction herein, but as one by God primarily invested with the disposal thereof, from whom the ecclesiastical governors within his dominions derive their authority, as it is in the preface of the fore-cited statutes; and consequently we find the king and parliament authorising archbishops and bishops, &c., by virtue of their act, to take informations concerning the not using of the form of Common Prayer, and to punish the same by excommunication. And in statute 5 and 6 of Edward VI. cap. 1, concerning the New Common Prayer Book, it is enacted, that, by virtue of that act, the archbishops and bishops should punish by censures of the Church all persons who shall offend: which clause, by virtue of that act, implies that the bishops might not excommunicate and use the Church censures for that matter without the king and parliament's license, and ought to excommunicate in all matters wherein the king and parliament commands it. Whereby it is more clearly to be understood, that the jurisdiction spiritual, ascribed to the king or queen in the acts afore-mentioned, involves the jurisdiction of excommunication, as well as others, if not exercised by himself and his vicegerents, and other commissioners—lay persons; (which practice, notwithstanding, in king Henry the VIII.'s days, seems to be recorded and farther confirmed, by allowing them to be married persons, in the act 37 Henry VIII. cap. 17,—see the statute;) yet so established in the king as to appoint when, and for what matters, the clergy within his realms shall execute or not execute it. And indeed this is but suitable to the act of submission: if the clergy may not make nor enjoin any new or old spiritual laws,—if they may not correct what they judge heresies (as appears by the

2 Edw. 6. cap. 1.

26 Hen. 8. cap. 1. *Concerning the determining what are heresies.* See 25 H. 8. cap. 14. 34 and 35 Hen. 8. cap. 1. 32 Hen. 8. cap. 26. See 1 Edw. 6. cap. 12. and 1 Eliz. cap. 1. repealing the ancient laws of Hen. 4. and 5. concerning heretics.

statutes repealing the ancient ways of judging and punishing of heretics) without the king's consent had thereto, it is but reasonable they should not excommunicate his subjects without his consent, for not obeying such laws, or for being thought guilty of such crimes.

"As the power of all ecclesiastical censures is enstated in the king, so is that also of giving all manner of licenses, dispensations, faculties, grants, &c. For all laws and constitutions merely ecclesiastical, and in all causes not being contrary to the Scriptures, and the laws of God, it is not only taken from the pope, but from the clergy of this Church, and is committed to the king, after the manner enacted 25 Hen. VIII. cap. 21, where the archbishop is constituted the king's instrument in giving the said licenses, &c. But if he shall refuse or deny to grant them, that then upon examination had in the court of Chancery, that such licences, faculties, dispensations, &c. as may be granted without offending against the Scriptures, the king shall command the archbishop to grant them by a new injunction, under a penalty; and if he refuse still to do it, the king may appoint by his commission two such spiritual prelates, or persons, as will grant them.

"And for appeals in causes spiritual, it is enacted, 25 Hen. VIII. cap. 19. First, that no manner of appeals shall be made out of the kingdom. Secondly, that for lack of justice in the court of the archbishops, commissioners appointed by the king shall have full power and authority to hear, and definitively to determine, every such appeal, with the causes and all circumstances concerning the same; and no further appeals to be made.

"Now for the exercise of this supreme jurisdiction, it was enacted both in Henry VIII.'s reign, and queen Elizabeth's, anno 1 Eliz. cap. 1, and anno 8 Eliz. cap. 1, that the king shall have full power and authority to name and authorize by commission under his broad seal,

such person or persons as his majesty shall think meet, so they be born subjects of England, (note, that king Henry was limited to choose half of them clergymen, which the present king is not,) to execute and exercise under his majesty, all manner of jurisdictions, &c. to visit, reform, and amend all such errors, heresies, schisms, &c. which by any manner of spiritual or ecclesiastical power may lawfully be reformed, &c. See the statutes with the proviso, concerning the judgment of heresy, according to the canonical Scriptures, the four first general councils, or any other general councils wherein the same is declared heresy, by the express and plain words of the said canonical Scriptures, the judgment whereof belongs to the said king's vicegerent and commissioners, or ultimately to the king himself, or such as shall hereafter be judged and determined to be heresy by the high court of parliament, with the assent of the clergy in their convocation. In the same statute of queen Elizabeth it is added, that the branches, sentences, and words of the several acts made in king Henry VIII.'s time, touching supremacy, and every one of them, shall be deemed and taken to extend to her highness, her heirs and successors, as fully and largely as ever the said acts did extend to the late king Henry VIII. Whereby it appears, that though the title-head was left off, yet the supreme authority ecclesiastical was united and annexed to the imperial crown of England in queen Elizabeth's time, as fully and largely as ever king Henry enjoyed it, and in some respects more advantageously.

"By virtue of this supremacy ecclesiastical, Henry VIII. committed the former canons and laws of the Church to the arbitrement of thirty-two persons nominated by him, to be abrogated, corrected, reformed, as they with his confirmation should think meet; and so may his majesty now reigning do the like in regard of any canons, constitutions or articles, so they be not

ratified by act of parliament, with this advantage above Henry VIII., that his majesty is not limited to any number of persons, nor obliged to nominate half of them clergymen, but any person or persons being natural born subjects to his majesty, 1 Eliz. cap. 1. And by virtue of this supremacy, king Henry VIII. did constitute the lord Cromwell his vicar-general in spiritual and ecclesiastical causes, to visit, reform, and censure all manner of persons; and together with him, and under him, were several other officers and judges, authorized with the king's commission (lay persons) to exercise and execute his majesty's ecclesiastical authority; and so may his majesty now reigning by force of the two forementioned acts of the 1 and 8 of Elizabeth; which vicegerent or vicar-general is in parliament to take place of the archbishop of Canterbury, 31 Hen. VIII. cap. 10, and in the synods, or convocations of the clergy, he subscribes his name before the said archbishop, and according to the commission his majesty shall be pleased to give him, sends out his injunctions in the king's name, visits, reforms, and corrects all manner of ecclesiastical persons, and in all ecclesiastical causes, using and exercising the ecclesiastical censures as he shall judge meet; and all this, though the said vicar-general be a lay and married person. By virtue of this supremacy ecclesiastical, the king's majesty is made the ultimate judge of heresy, and the determinor of what is agreeable or repugnant to God's law. And all his subjects are obliged to receive, observe, and submit unto godly instructions and determinations set forth by his majesty. And if any spiritual person or persons shall preach or teach contrary to the determinations which are or shall be set forth by his majesty, that then every such offender offending the third time, shall be deemed and judged an heretic, and shall suffer pains of death by burning. See the statute, 34 and 35 Hen. VIII. cap. 1,

8 Eliz. c. 1.

37 Hen. 8. cap. 17.

The title of

that statute is, "An Act for the Advancement of the true Religion, and for the Abolishment of the contrary."

which though it be not in force in regard of the particular matters therein contained, viz. Tyndal's translation of the Scripture, and the confirmation of the six articles, yet the ground-work of the statute, the king's supremacy to all intents and purposes of the determination of what is true or false, what is godly or ungodly, and what is conformable or repugnant to the Word of God, is still in force, revived in queen Elizabeth, and annexed to the crown for ever. And his majesty may exercise this power of determining what ought to be held and believed, by setting forth books, and by his proclamations as is expressed in that statute, by his judgments in his court of Chancery, and by his determinations upon appeals from the sentence in the archbishop's court.

25 Hen. 8. c. 21.
25 Hen. 8. cap. 19.

"Since some causes and controversies may haply come before him not determined by former councils; how can appeals be admitted to him from the judgment of his clergy, if he be to follow the judgment of the clergy in the things appealed in? It is true, that in the forementioned act, the printers are obliged to put the superscription and subscription, 'By the king and his clergy:' but the meaning was not that the clergy in convocation had assented to it; but either that the king had communicated his writing to some of his clergy, as he did his famous book called, 'A necessary Doctrine for all sorts of People,' which book occasioned this very statute, as Dr. Heylin relates; or that it was the result of the major part of the thirty-two persons, whereof sixteen were laymen; or of eight persons in king Edward VI.'s reign; or of six clergymen and six laymen in the same king Edward's time; according to whose determinations, the 'Reformatio Legum Ecclesiasticarum,' (see the preface,) and the Ordinals for bishops, priests, and deacons, came to be published by the regal jurisdiction in spiritual affairs. This great prerogative

Hist. Reform, p. 23.
32 Hen. 8. cap. 26.

of his majesty's supremacy may be farther manifested by king Henry VIII.'s last speech made in parliament not long before his death; and those words in Cromwell's speech (when he presided as the king's vicar-general over the clergy assembled to state something in the controversies of faith), that his majesty would not suffer the Scripture to be wrested and defaced by any glosses or any authority of doctors or councils.

3 and 4 Edw. 6. cap. 11.

See Lord Herbert's Hist. p. 506.

Fox, Acts and Monuments, p. 1078.

"By virtue of this supremacy, king Henry VIII. put forth certain injunctions concerning matters of faith and discipline, entitled, 'Articles devised by the King's Highness to stable Christian Quietness and Unity amongst the people.' In like manner, other injunctions, two years after, by his vicegerent Cromwell, and others in the year one thousand five hundred and thirty-nine; amongst which it was ordered that English Bibles should be provided and put in every Church, &c. And this last thing he did without any consent of his clergy. King Edward VI. also by his council set forth his injunctions: (nothing being deferred herein because of his nonage, though this was much sued for by some bishops) and in the beginning of his second year by proclamation, inhibited any to preach that had not the license either of his uncle the Protector, or archbishop Cranmer: and about the same time restrained the bishops themselves (thought too actively busy in divers places of their dioceses) not to preach but in their own cathedrals. At last by a proclamation put forth September 23, he inhibited the whole clergy throughout the kingdom to preach in open audience, in the pulpit or otherwise, because that his majesty minded to settle very shortly one uniform order throughout this his realm, and to put an end to all controversies in religion; for which cause at that time, certain bishops and notable learned men by his highness's command were congregated. Queen Elizabeth likewise sent forth her

A. D. 1536.

Fuller's Ch. Hist. and Fox, 388.

injunctions, A.D. 1559, before she had any clergy to sit in convocation, as she did afterward articles under title of the 'Queen's Articles of Visitation,' and her Admonition: all which are lately printed in one volume, with the 'Reformatio Legum Ecclesiasticarum,' and other things which concerned the reformation: by R. Norton, 1661. All which makes it evident, that his majesty, by his regal jurisdiction, may devise, publish and constrain to be observed, such injunctions as may stable Christian quietness and unity amongst his people, and rectify their judgments in things that they ought to believe and practise, according to the examples of his royal predecessors the supreme heads and governors of this Church.

"By virtue of this supremacy, the clergy are bound to admit and consecrate, what person soever the king shall present to any bishopric, upon penalty of incurring præmunire; and the consecration is to be performed by such and so many as the king shall appoint; which persons are to do this work not by virtue of any ecclesiastical jurisdiction in them, but as the king's delegates, who by his letters-patent commands them to consecrate the elect bishop; and in them if there be any canonical defect or impediment, the king by his royal supreme spiritual jurisdiction dispenses with it. Both which things are evident by the patent for the consecration of archbishop Parker in queen Elizabeth: by the instrument of the said archbishop's confirmation, and by the practice ever since.

25 Hen. 8. cap. 20.

25 Hen. 8. cap. 19.

"By virtue of this supremacy, as the bishops and clergy of the Church of England and Ireland cannot meet in any assembly, synod, or convocation, but by his majesty's writ: so being convened, they cannot open their mouths to deliberate or make any constitutions touching doctrine or discipline, without the king's assent first had under his signet: and having made any

constitution they cannot enact, promulgate, publish, or put in use the same, before it be confirmed under his majesty's broad seal.

See the Declaration of King James before the Canons, 1603; and King Charles I, before the Canons, 1640.

" By virtue of this supremacy his majesty may issue out a commission, to such person or persons as he shall think fit, to visit, and inquire after the management of the Church revenues, and may correct and reform the persons, that do not expend them according to the pious uses for which they were bestowed on the Church; and where those revenues are ill employed, his majesty may translate them to pious uses. King Henry VIII., in the thirtieth year of his reign, by his letters-patent under the great seal, translated the prior and convent of the cathedral church of Norwich, into the dean and chapter, and discharged them of their special names; which was in these words:—

" ' Authoritate sua regia, ac authoritate sua in terra supremi capitis Ecclesiæ Anglicanæ, de gratia sua speciali, &c. Cœnobium de priore et conventu ecclesiæ cathedralis, sanctæ Trinitatis Norwici in decanum et capitulum ecclesiæ cathedralis sanctæ Trinitatis Norwici, transposuit et mutavit; et ulterius concessit quod decanus et capitulum et successores sui omnia et singula dominia et maneria, terras, &c. quæ ad prædictos nuper priorem et conventum, &c. spectabant, habere, tenere, gaudere, et possidere sibi et successoribus valeant.' ' In this case,' says Coke the attorney-general, ' the said translation was good in law, by reason of the king's supremacy as head of the Church; and by virtue of the statute, 25 Hen. VIII., and others, extinguishing the Pope's jurisdiction; because the pope having anciently had that power of the economy of the Church revenues, and the same authority that the pope had being given to the king by the same statutes, such translation of Church revenue must needs be legal.'

Vide Dean and Chapter of Norwich's Case, Coke's

" Many more instances might be given of the exercise

Reports, pt. 3. fol. 73.

of this regal, supreme ecclesiastical authority and jurisdiction, consisting with the other laws of this kingdom: but it may suffice to add this only concerning penalties and censures ecclesiastical; that whatsoever the bishop of Rome could lawfully do in the time preceding the statute, 25 Hen. VIII. either in relaxation of the penalty, or suspension of the inferior ecclesiastical jurisdiction; all that is now legally enstated in the king, as is evident from these two maxims universally acknowledged by lawyers, and in the statutes since that time. First, that all manner of spiritual jurisdiction, formerly lawfully exercised in England and Ireland, does now belong to the king. Secondly, that all spiritual jurisdiction exercised by any subject in the said kingdoms, is held and exercised from, by, and under the king.

"And concerning temporal penalties, the resolution is to be grounded on this maxim touching his majesty's royal prerogative: every offence or crime, made crime by act of parliament, which is not *malum in se*, the king, before the fact committed, may dispense with the act of parliament, and give power to commit the fact; and all manner of offences whatsoever, whether evil in themselves or not, the king, after the offence committed, may pardon them."

The power mentioned in this last clause has, I believe, been taken away by the progress of civil liberty; but the rest remains—if it once existed, it is enough.

No. II.

Observations on a Pamphlet by Mr. Irons, called "The Present Crisis."

LET any reader compare the above exposition of the Royal Supremacy, made in the reign of Charles II., with the attempt to soften it down recently put forth by Mr. Irons. He will observe in the former a clear comprehension of the subject, and a specific reference to the authorities on which the view maintained is founded; and in the latter a perpetual confusion between the two spiritual powers of order and jurisdiction, which causes almost all the acts of the temporal power, and the ecclesiastical authorities, quoted by Mr. Irons, to be irrelevant. Mr. Irons puts forth three grand denials. (p. 3.)

I. "We deny that the Queen is supreme governor in any sense greater than her predecessors had been from the Conquest."

II. "We deny that the Church, since the days of Queen Mary, has enlarged, and we affirm that she has aimed to diminish, the royal prerogative."

III. "We deny that all jurisdiction 'in rebus divinis' proceeds from the Crown."

Let us take these a little in detail.

I. First, what does Mr. Irons allege to prove that "the Queen is *not* supreme governor in any sense greater than her predecessors have been from the Conquest?"

He alledges a variety of arbitrary acts on the part of the Norman kings; but how far the Church submitted to them, and how far she protested against them, he does not specify.

Secondly, these acts, with one partial exception, do not set forth any royal claim to originate jurisdiction in

matters spiritual. The exception is, the eighth article of the Constitutions of Clarendon. This is thus quoted—he says not where from—by Mr. Irons. (p. 8.)

"That all appeals in *spiritual* causes should be carried from the Archdeacon to the Bishop, from the Bishop to the Primate, from him to the King, and should be carried no further without the King's consent."

In Collier, vol. ii. p. 273, I read it thus,

"In case of appeals in ecclesiastical causes, the first step is to be made from the Archdeacon to the Bishop; and from the Bishop to the Archbishop; and if the Archbishop fails to do justice, a farther recourse may be had to the King, by whose order *the controversy is to be finally decided in the Archbishop's Court.* Neither shall it be lawful for either of the parties to move for any farther remedy without leave from the Crown."

Here I would first ask Mr. Irons if it is *honest* to quote in this manner?

But further, Mr. Irons omits to inform us, I. that of the sixteen articles of the Constitutions of Clarendon, the first, third, fourth, sixth, seventh, eighth (the present one), ninth, tenth, twelfth, and fifteenth were nulled and voided by the Pope, who notwithstanding continued spiritual superior of the Church of England.

II. That Archbishop Becket laid down his life to wipe out these Constitutions of Clarendon, and that they *were* wiped out in the blood of the Martyr, and

III. While Mr. Irons asserts "the Constitutions of Clarendon were the law of England," the fact is, that King Henry II. solemnly swore to renounce and resign them; and Collier observes, vol. 2, p. 337, "Thus we see the Constitutions of Clarendon, drawn up to the disadvantage of the clergy, were all repealed. The King, after this satisfaction given, had his absolution passed in form by the Cardinals."

Again, I would ask Mr. Irons, is it *honest* to quote

history thus? I confess I am ashamed to answer such citations. And this is the only pertinent one, for on the whole the quotations of Mr. Irons under this head go to prove a series of acts on the part of the Ante-Reformation Kings; which, so far as they are not excesses of tyrannical power, sometimes borne under protest, and sometimes defeated by the Church, aim to prevent encroachment on temporal jurisdiction, in mixed causes, by the spiritual. There is not one claiming for the civil power to originate spiritual jurisdiction, which was the point to be proved. And even these latter acts—when carried too far, as they sometimes were,—met with the sturdiest resistance on the part of the Church, a resistance which all writers that I have read, previous to Mr. Irons, suppose to have been fully successful.

II. Mr. Irons' second denial is, "Never, in fact, did the reformed Church any more heartily admit the Supremacy than the old unreformed Church had done." P. 19.

If Mr. Irons here means that the Convocation which granted to Henry VIII. the title of "head and supreme governour of the Church" was the Convocation of the unreformed Church, as I fear he does, this evasion seems to me so disingenuous, that I can do no more than mention it. If he means to deny that this grant itself was new, that it was something which Henry's predecessors had not held, and something which Henry was moving the whole power of his crown to compass,—I believe he is quite singular in his opinion.

But he enlarges on the above, "we affirm that the Church, since the days of *Queen Mary*, has aimed to diminish the royal prerogative."

His proofs are, 1, that Queen Elizabeth declined the title of "Supreme Head," and kept only that of "Supreme Governour;" she did so at the suggestion of Calvin, who liked not the title of head as given to any man,

and she declared in her injunctions, to which Mr. Irons refers, that she claimed *neither more nor less* than what had been given to, and exercised by, her father and brother, kings of famous memory.

2. " No more commissions were taken out by Bishops to hold Bishoprics during the King's pleasure, as in the time of Henry and Edward,"—be it so—and no " vicegerent" appointed; but likewise no renunciation of this claim was made, and Elizabeth contented herself with suspending Archbishop Grindal when she was not satisfied with him, and she wrote letters " to the Bishops throughout England against conventicles, and for suppressing the exercise called prophesying," wherein she hints to them at the end, " in these things we charge you to be so careful and diligent, as by your negligence, if wee shall hear of any person attemptinge to offend in the premises without your correction or information to us, wee be not forced *to make some example or reformation of you,* accordinge to your deserts." Cardwell, Annals, i. 376. She made the abovementioned " example" of Archbishop Grindal, because he would not put down prophesying.

Such was what Mr. Irons calls Elizabeth's " abatement" of the Royal Supremacy.

3. " In like manner," says Mr. Irons, " the congé d'élire, which had been abolished, was restored in England. King Edward had declared that such elections were " in very deed no elections, having colours, shadows, or pretences of elections, serving nevertheless to no purpose, and seeming also derogatory to the King's prerogative royal." I can imagine that there may be persons among us, who, seeing what the exercise of the congé d'élire has been even in our own times, might prefer a plain spoken to a deceitful tyrant—but good Mr. Irons puts it down as a real abatement, and adds, " Queen Elizabeth proceeded here upon the old canonical forms."

4. "There had been a power also conceded to the Crown of the greatest danger, to say the least, a power to appoint Commissioners for the exercise of Ecclesiastical Jurisdiction. It is true that they were forbidden to judge any thing for heresy, without the convocation: (no proof whatever of such limitation does Mr. Irons give, and where will he find it?) but the power was excessive and unjust. This was taken away so lately as in the eleventh year of the reign of King Charles I."

Who would judge from this most meek mention that the terrible Court of High Commission was in question, a court which during its existence, from 1559 to 1640, went nigh to rival the deeds of the Spanish Inquisition; and which was finally abolished by the Puritan party in the Parliament, indignant at the outrages which it had committed upon them, and influenced by the most bitter hatred to the Church of England itself: which had no hand in giving up this court, and whose primate was shortly after executed for causes arising out of his use of the Royal Supremacy in that court.

But Mr. Irons omits to state that the "power to appoint Commissioners for the exercise of ecclesiastical jurisdiction" has *not* been taken away from the civil power; that it is in full exercise at present, and that an ecclesiastical commission so named by Crown and Parliament is in possession of the whole jurisdiction of the Church of England, for certain purposes, at this moment, a jurisdiction derived from the civil power as its source.

5. Lastly, Mr. Irons finds in the substitution of the Court of Privy Council for the Court of Delegates, as supreme judge of doctrine, a subversion "of the original principle of the royal supremacy."

To me, on the contrary, it seems a very convincing exercise of it. I cannot imagine what right six laymen, *Christians unattached*, in the forcible language of Mr. Shiel, could have to pronounce judgment on any doctrine

as being or not being part of the belief of the English Church, save that they are commissioned thereto by the "Supreme Governour" of that Church; nay, in strict law, the judgment is not theirs, but that of their superior, who may annul, ratify, alter, or amend it at his pleasure.

This, I can assure Mr. Irons, is the full Papal Prerogative, and it belongs, as decisively as law can make it belong, to the sovereigns of England.

And after discovering these five "abatements" since the time of "*Queen Mary*," (why did he not say of Henry VII.?) Mr. Irons gravely adds,

"For my own part, then, I can hardly conceive of a more frivolous and unreal pretence than that of controversialists who hint the existence of some essential, latent sympathy between the Reformed Church and the King's Supremacy."

Spectatum admissi risum teneatis, amici?

But does Mr. Irons think that he is serving the cause of *Truth* in so writing?

III. Let us look to his third denial: "We deny," says Mr. Irons, "that all Jurisdiction 'in rebus divinis' proceeds from the crown."

And he produces a short catena from Hooker, Usher, James I., Andrewes, Stillingfleet, Sanderson, and Wilson, to prove that the *power of Order* does not proceed from the Crown. Who asserts that it does? But it is the *exercise* of that power of Order which constitutes *Jurisdiction* in rebus divinis, and this Mr. Irons' own quotations prove to proceed from the Crown.

Thus Hooker's words, cited by him, respect the power of Orders, and concede Jurisdiction to the Crown.

Usher, as quoted, is generally irrelevant, distinguishing the civil and spiritual power, and giving the power of the keys to the latter, but not meeting the question of Jurisdiction, though there is no doubt from his argument that he gave this to the Crown.

The answer of James I. to Usher is for the like reason irrelevant.

Andrewes denies the power of Order—under what he ranges "clavium jus vel censuræ"—to the Crown, but grants the power of Jurisdiction.

Sanderson admits the latter, and

Wilson enlarges on the "power of Order" as coming to the clergy by divine grant.

I have kept Stillingfleet to the last, because the quotation from him is most to the purpose. He tries, by disclaiming all sacerdotal powers, to reduce the Supremacy to a sort of civil government; but he concedes the whole point in question at the last, adding, "But as in temporal matters the King's supreme authority is exercised in his ordinary court, so likewise in ecclesiastical, which *deriving their jurisdiction from the King as supreme*, his supremacy is preserved in the ordinary ecclesiastical court."

This is the exact idea of the famous statute of appeal, 24 Henry VIII. which makes the sovereign head as of the temporalty qua temporalty, so of the spiritualty qua spiritualty. Now head of the latter he is, as individual citizens, but to make him head of them as officers of the one universal spiritual kingdom of our Lord, is indeed that "essential latent sympathy between the Reformed Church and the King's Supremacy," the presence of which Mr. Irons conceives to be so "frivolous and unreal."

In conclusion, I would say one word to Mr. Irons, who charges Mr. Maskell with disloyalty, for putting forth what he believes to be the truth. It may be that the statements of Mr. Maskell—if true—destroy the position of Mr. Irons; in that case there is only one way to maintain that position, viz. to shew the statements are *not true*. But the ostrich which hides its head in the sand does not thereby conceal its body from the pursuers, and to make such reckless assertions as "that

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the Queen is not supreme governor in any sense greater than her predecessors have been from the Conquest;" or that the Reformation "has aimed to diminish the royal prerogative;" or, as he does, thirdly, to confound the two powers of Order and Jurisdiction, and their relation to each other, seems to me to be acting the part of the ostrich, to be filling one's own eyes with sand, and exposing one's whole body to the enemy.

FINIS.

C. Whittingham, Chiswick.

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